

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

PRESIDENT AND FELLOWS OF
HARVARD COLLEGE,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Case No. 1:25-cv-11048-ADB

AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS—HARVARD
FACULTY CHAPTER et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
JUSTICE et al.,

Defendants.

Case No. 1:25-CV-10910-ADB

**RENEWED MOTION FOR A STAY OF DEADLINE TO FILE A STATUS REPORT
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Pursuant to the Court's Order of October 2, 2025, ECF No. 243, the United States of America hereby renews its motion for a stay of the deadline to file a status report in the above-captioned cases.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and those appropriations to the Department lapsed. The same is true for the majority of other Executive agencies, including the federal Defendants. As of the date of this filing, funding remains lapsed, and the Department does not know when such funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal Defendants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the deadline to file a status report until Congress has restored appropriations to the Department.

4. If this motion for a stay is granted, undersigned counsel will notify the Court as soon as Congress has appropriated funds for the Department. The Government requests that, at that point, all current deadlines for the parties be extended commensurate with the duration of the lapse in appropriations – i.e., each deadline would be extended by the total number of days of the lapse in appropriations.

5. Opposing counsel has authorized counsel for the Government to state that Plaintiff President and Fellows of Harvard College does not oppose the filing of this motion.

6. Opposing counsel has informed counsel for the Government that Plaintiff American Association of University Professors – Harvard Faculty Chapter, et al., opposes the filing of this motion.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the deadline to file a status report in this case until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Dated: October 8, 2025

Respectfully submitted,

ABHISHEK KAMBLI
Deputy Associate Attorney General

BRETT A. SHUMATE
Assistant Attorney General

Civil Division

JOSEPH BORSON
Assistant Director, Federal Programs Branch

/s/ Eitan R. Sirkovich

EITAN R. SIRKOVICH
RYAN M. UNDERWOOD
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, NW
Washington, DC 20005
Tel: (202) 305-1952
E-mail: ryan.m.underwood2@usdoj.gov

JAY CLAYTON
Attorney for the Defendants
Acting Under Authority Conferred
by 28 U.S.C. § 515

/s/ Jeremy Liss

JEREMY LISS
Assistant United States Attorney
86 Chambers Street, 3rd floor
New York, New York 10007
Telephone: (212) 637-2795
Jeremy.Liss@usdoj.gov
Counsel for Defendants

Counsel for Defendants

CERTIFICATE OF SERVICE

Counsel for Defendants certify that they have submitted the foregoing document with the clerk of court for the District of Massachusetts, using the electronic case filing system of the Court. Counsel for Defendant hereby certify that they have served all parties electronically or by another manner authorized by Fed. R. Civ. P. 5(b)(2).

/s/ *Eitan R. Sirkovich*
Eitan R. Sirkovich